REPORT OF ASSISTANT COMMISSIONER
PAUL DOUGAN
ON THE
DISTRICT ELECTORAL AREAS COMMISSIONER’S
PROVISIONAL RECOMMENDATIONS
FOR
NEWRY, MOURNE AND DOWN DISTRICT

September/October 2013
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1. Introduction

The new Northern Ireland Local Government Districts

1.1 Following a review of local government wards and districts in 2008/9 the Local Government (Boundaries) Order (Northern Ireland) 2012 was made on 30 November 2012 establishing the boundaries and names of 11 new local government districts for Northern Ireland and their constituent wards. The new districts, as set out in the 2012 Order, are:

- Antrim and Newtownabbey
- Armagh, Banbridge and Craigavon
- Belfast
- Causeway Coast and Glens
- Derry and Strabane
- Fermanagh and Omagh
- Lisburn and Castlereagh
- Mid and East Antrim
- Mid Ulster
- Newry, Mourne and Down
- North Down and Ards

1.2 The Belfast local government district comprises 60 wards; Armagh, Banbridge and Craigavon district and Newry, Mourne and Down district both contain 41 wards; and the remaining eight districts have 40 wards each.

Review of District Electoral Areas

1.3 The Secretary of State for Northern Ireland, the Rt. Hon. Theresa Villiers MP, appointed Richard Mackenzie, CB, as District Electoral Areas Commissioner for Northern Ireland with effect from 21 January 2013. His task was to make recommendations for the grouping together of the wards in each of the eleven new local government districts into District Electoral Areas (“DEAs”) for the purpose of local government elections.

Legislation

1.4 The legislative provisions concerning the appointment and function of the Commissioner, the procedures to be followed in reviewing DEAs and the rules in accordance with which recommendations are to be made are contained in

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1 Article 2(1); listed in Schedule 1

2 Article 2(3); listed in Schedule 2
1.5 Schedule 3 to the 1984 Order, as amended, prescribes four rules in accordance with which recommendations of the Commissioner are to be made. These are:-

1. No ward shall be included partly in one electoral area and partly in another.
2. Each electoral area shall consist of not less than five, and not more than seven, wards.
3. Each ward in an electoral area shall have at least one boundary in common with another ward in that area, except where the ward consists of an island.
4. A name shall be given to each electoral area.

1.6 In publishing his Provisional Recommendations in May 2013, the Commissioner noted that the 1984 Order does not provide any guidance as to the factors which can or should be taken into account in formulating proposals for DEAs or whether the number of wards to be included in any electoral area should be five, six or seven. In the absence of such guidance, and for the reasons set out at paragraph 3.2 to 3.7 of the Provisional Recommendations report, he considered it reasonable to establish a range of factors which would inform his approach to the grouping of wards as DEAs. The approach which he adopted was, where possible, to have regard to the following:

- the use of physical features such as loughs, estuaries, rivers, hill ranges, and major roads as DEA boundaries;
- the creation of distinct urban and rural DEAs;
- the inclusion of complete settlements within a DEA;
- the creation of geographically compact DEAs;
- the creation of DEAs where the ratio of electorate to each councillor is not more than 10% from the overall ratio for the district as a whole.

The Commissioner also felt it would be unreasonable to ignore the existing DEA framework altogether, since it has been in place for many years. However, he recognised that there has been a substantial change in the ward architecture of Northern Ireland as a result of the Local Government (Boundaries) Order (NI) 2012.

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3 by the District Electoral Areas Commissioner (Northern Ireland) (Amendment) Orders of 2007 and 2009 and the District Electoral Areas Commissioner (Northern Ireland) Order 2012
1.7. The procedure to be followed in a review of District Electoral Areas (DEAs) is set out in Schedule 2 to the 1984 Order, as amended, and provides among other things for:

- an eight week public consultation period for the submission of written representations with respect to the Commissioner’s provisional recommendations for electoral areas in a district; and

- the holding of a public inquiry where representations are received objecting to the Commissioner’s provisional recommendations for a district. If a district council or not less than 100 electors make an objection, an inquiry must be held, otherwise inquiries may be held at the Commissioner’s discretion.

Provisional Recommendations

1.8 The Commissioner’s provisional recommendations for the grouping of wards into District Electoral Areas, together with his recommendations for their names, were published on 2 May 2013 for an eight week public consultation period ending on 27 June 2013. A total of 30 representations were received in relation to his proposals. The Commissioner’s provisional recommendations, including maps, and the representations received may be viewed on his website.

Public Inquiries

1.9 On the basis of the representations received, the Commissioner decided that nine public inquiries should be held to consider objections to his proposals. No representations were received in relation to the Causeway Coast and Glens district and the only objections to the proposals for Derry and Strabane district were to the proposed name of the Rosemount DEA. No public inquiries were deemed necessary in those districts. Details of the nine public inquiries were published in advance in a number of daily and provincial newspapers as well as on the Commissioner’s website.

Appointment of Assistant District Electoral Commissioners

1.10 The legislation provides that the Commissioner may ask the Secretary of State to appoint one or more Assistant Commissioners to inquire into, and report on, such matters as the Commissioner thinks fit. Accordingly, the Secretary of State for Northern Ireland, the Rt. Hon. Theresa Villiers MP, appointed me as Assistant Commissioner on 2 July 2013.

1.11 I was directed by the Commissioner to preside over the public inquiry into objections to his provisional recommendations for the DEAs for the Newry, Mourne and Down District. The inquiry was held in the Slieve Donard Hotel, Newcastle on 12 September 2013. Six written representations were received during the consultation period; six people made oral representations, one of
whom had already submitted views in writing during the consultation. All participants were given the opportunity to give their views fully and to comment on the views expressed by others. A list of the written representations received is at Appendix A of this report. Details of those who made oral submissions are at Appendix B. A transcript of the inquiry can be viewed on the Commissioner’s website.

Content of Report

1.12 This report considers the written and oral representations received in relation to the proposed groupings of wards into DEAs for the Newry, Mourne and Down district and on the recommended names for the DEAs. It details support for, objections to and counterproposals made in relation to the Commissioner's provisional recommendations and presents my conclusions and recommendations.
2. **DEA Ward Groupings**

Before I comment upon the specific representations submitted during the consultation period in respect of each DEA within the Newry, Mourne and Down district, it should be noted that a number of the written representations dealt with multiple local government districts. In terms of this district, the DUP submitted it was willing to accept the provisional proposals; no one from the DUP attended the public inquiry. Whilst the SDLP advised that it was not making a written submission, the area’s MP, Margaret Ritchie did make a written representation although did not however attend the inquiry; and the party’s Down District Councillor Carmel O’Boyle attended the inquiry and made an oral presentation. Sinn Féin did not make a written representation but a representative made an oral presentation during the public inquiry. The Alliance Party made a written representation and party representatives made oral presentations during the public inquiry.

2.1 **Slieve Gullion**

Two objectors, Michael Moriarty and the Ulster Unionist Party (UUP) submitted written representations during the consultation period in respect of this DEA; neither attended the public inquiry and no other objector or participant at the public inquiry supported these respective arguments.

Michael Moriarty proposes the transfer of the Bessbrook ward from this DEA to Newry DEA as he submits “it is part of the Newry urban area and not rural like the other” Slieve Gullion wards. Consequently, he proposes that this DEA is reduced to six wards.

The UUP underpins its written representation by reaffirming its opposition to the 11 local government district model. The party submit that the DEA boundaries as proposed by the Commissioner would potentially deny representation to the significant Unionist and Protestant minority community in South Armagh and in order to address this perceived representative imbalance submit that the housing areas of Shandon Park, Carnbane Gardens and Craigmore transfer to this DEA from the neighbouring Newry DEA.

At the public inquiry, Berkley Farr, representing the Alliance Party submitted there should be no change in this DEA. Ryan Morgan, on behalf of Sinn Féin, spoke in favour of the provisional recommendations recognising some of the difficulties presented to the Commissioner in his task. He made no specific comment in respect of this DEA.

Similarly SDLP Councillor Carmel O’Boyle recorded broad support for the configuration of the proposed DEAs and made no contrary submission in respect of this particular DEA.
Conclusion

No evidence was produced at the inquiry to support Michael Moriarty’s proposition that the Bessbrook ward is urban. I am not persuaded by the argument that because it “adjoins the Newry Town urban area”, as Mr Moriarty asserts, that it ought to be, ipso facto, part of that urban DEA. I note, for example, that the Fathom ward is proposed as part of the Newry DEA, when it was previously part of the Slieve Gullion electoral area and yet no one objected to that ward being grouped in a DEA that predominantly preserves what is the Newry “settlement.” I have considered the Commissioner’s “method of approach” in formulating proposals for DEAs and the range of factors, he suggests be taken into account. I have found nothing to suggest that the grouping of the Bessbrook ward within this DEA is inconsistent with that approach. Moreover, the Commissioner also decided that it would be unreasonable to ignore the existing DEA framework and I note that the Bessbrook ward has previously been grouped with other rural wards, viz, Camlough and Newtownhamilton and the DEA as proposed preserves that connection with the wider Slieve Gullion hinterland.

The UUP submission purports to provide a local solution to a wider socio-political problem as perceived by the party, namely, the denial of political representation to the significant Unionist and Protestant minority community in South Armagh. I cannot comment on the merit or substance of this argument as it is beyond my remit and indeed outside the remit of the District Electoral Areas Commissioner. However, in considering the objector’s discreet point about the transfer of the Shandon Park, Carnbane Gardens and Craigmore housing areas from Newry DEA to this DEA I was provided with a spreadsheet from Land and Property Services which enabled me to search a Pointer address database linked to the ward boundaries database. Carnbane Gardens and Craigmore are within the Whitecross ward and therefore are already included in this DEA as proposed. I therefore need not consider whether to transfer or remove wards from the proposed groupings to give effect to this representation.

Shandon Park, however, is within the Damolly ward (proposed for the Newry DEA) and to give effect to this representation the Damolly ward would have to transfer from Newry DEA to this DEA. I have observed that the UUP argue for the inclusion of the housing area but not the ward in this DEA. In the first instance I cannot interfere with ward boundaries as part of my remit as these have been settled by legislation. Nevertheless, the 1984 Order proscribes that “no ward shall be included partly in one electoral area and partly in another”.

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4 See paragraph 3.7 of the Provisional Recommendations report at page 6
5 See paragraph 3.8
6 Land and Property Services Pointer Addresses/ Ward Boundaries Linked Dataset
7 District Electoral Areas Commissioner (Northern Ireland) Order 1984, Schedule 3.
and on this basis I cannot consider the merits of the representation any further.

Consequently, I am not persuaded that the objectors have established any reason to depart from the grouping of these wards as proposed.

**Recommendation**

I recommend no change to the Commissioner’s proposals.

2.2 **Newry**

The discussion and analysis at 2.1 *supra* equally apply to this DEA. For the sake of completeness and as with the Slieve Gullion DEA, the only written representations received during the consultation period were from the UUP and Michael Moriarty. No one at the public inquiry objected to the Commissioner’s provisional recommendations or supported the argument made by either objector. As I have already discussed, Michael Moriarty suggests the transfer of the Bessbrook ward from Slieve Gullion DEA to make a seven seat DEA.

I have already outlined in detail the UUP’s discreet argument in respect of three housing areas of Shandon Park, Carnbane Gardens and Craigmore and its impact to this DEA.

During the public inquiry Mr Farr on behalf of Alliance proposed no change to the provisional recommendations. The evidence of Mr Morgan (Sinn Féin) and Councillor O’Boyle (SDLP) was to like effect in that neither made any specific reference to this DEA but did speak in favour of the Commissioner’s provisional recommendations in general terms at the outset of their respective oral presentations.

**Conclusion**

For the reasons given at 2.1 I find no basis or justification to depart from the Commissioner’s provisional recommendations.

**Recommendation**

I make no change to the provisional recommendations.

2.3 **Crotlieve**

In its written representation the UUP contends that the Rostrevor ward should be included in The Mournes DEA citing that the ports of Rostrevor and Kilkeel
have close mutual affiliation through community and family links and the Rostrevor ward has a long established link to the Mournes area. As I have already remarked, no one from the party attended the inquiry and I was given no evidence to support this written submission. Based on its representation the UUP envisage this as a five ward DEA.

A similar representation was received during the consultation from Alliance who suggested reducing Crotlieve to five seats by losing the Rostrevor ward to a newly configured Mournes DEA (also with five seats.) Alliance submit that Rostrevor shares the Mourne Mountains in common with other “Kingdom of Mourne” wards, and should be grouped with those wards, and not the other Crotlieve wards. Mr Farr reaffirmed this reconfiguration in his oral submission to the inquiry.

Ryan Morgan opposed the loss of the Rostrevor ward to The Mournes DEA submitting it was “more naturally linked with Crotlieve as it sits.”

Peter Fitzpatrick (SDLP) submitted that the Rostrevor ward has a natural affinity to Warrenpoint and is “naturally at home” in this DEA; to move it to another DEA would be “crazy”.

Conclusion

Both the consultation process and the public inquiry reduce the discussion around this DEA to a single issue – should the Rostrevor ward be grouped in an electoral area with Kilkeel ward (and thereby transfer to The Mournes DEA) or should it be grouped with Warrenpoint ward and remain in this DEA as proposed? Those who object to the proposed Crotlieve DEA suggest that the Rostrevor ward has a natural affinity with “the Kingdom of Mourne”. Those who support its inclusion within this electoral area argue that natural affinity lies with Warrenpoint and within the Crotlieve DEA.

The predominant physical features which characterise this entire local government district are its mountain ranges and bodies of water. Mr Farr and the Alliance Party submit that the Rostrevor ward’s positioning south of the Mourne Mountains “adjoining the coast” provide its “mutual interest” with other Mourne wards. I do not agree. An initial inspection of the OSNI maps for this area show that Rostrevor, the village lies at the foot of Slieve Martin on the shoreline of Carlingford Lough. It appears to me that these physical features distinguish its positioning from the other wards that make up the traditional “Kingdom of Mourne.” Rostrevor ward is just beyond the side of the Mournes that the wards of Lisnacree, Binnian and Annalong share in common. These three wards share the Irish Sea coastline; the settlements of Rostrevor and Warrenpoint dominate the Carlingford Lough shoreline. In my opinion the Commissioner has grouped the wards of this DEA in a manner consistent with his intended approach, namely in this instance, to use physical features (the Mournes) as a natural DEA boundary. I have concluded that Rostrevor should logically remain on the opposite side of this natural (DEA) boundary to the Lisnacree ward. Incidentally, I note that the Alliance Party endorse this method of approach (using physical features as a natural DEA boundary) as
“very reasonable” although they believe that the Commissioner has contradicted himself when applying this same approach to the proposed The Mournes DEA (and assert the natural boundary has been used as the focus for, rather than the boundary of, the DEA.) This assertion is analysed at 2.4 infra.

Recommendation

I recommend no change to the grouping of these wards as proposed by the Commissioner.

2.4 The Mournes

The Ulster Unionist and Alliance parties share a common objection in respect of this DEA and that of Slieve Croob. Both argue in their written representations that the Newcastle wards of Tollymore, Donard and Murlough should be removed from this DEA as the Mourne Mountains make a natural boundary within the Mourn area; and Newcastle, according to the UUP, has no affiliation with the other areas of the Mournes which are naturally grouped together in this DEA. Alliance oppose the inclusion of the Newcastle wards in this DEA, asserting it divides Newcastle from its natural hinterland.

In fact the Alliance party identify the “Kingdom of Mourne” as a geographically compact area, based on Kilkeel and its natural hinterland, the wards of Lisnacree, Binnian, Annalong (and Rostrevor transferred from Crotlieve.) In this respect, Berkley Farr argued that major physical boundaries such as mountains should be used to separate rather than be a focus for DEAs and perforce his five ward configuration provides for the whole area south of the Mournes (from Rostrevor down to Slieve Donard) forming “a very distinct natural unit.”

The Alliance Party submitted to me that Newcastle should not be divided from its natural hinterland of Castlewellan and Dundrum (proposed in the Provisional Recommendations report as part of the Slieve Croob DEA). To support this argument, Patrick Clarke, an Alliance Councillor for Newcastle, opined that Newcastle issues “usually involve” Castlewellan and Dundrum.

Essentially, both UUP and Alliance envisage this DEA reducing from seven to five wards.

In contrast, Ryan Morgan supported the Commissioner’s proposals, noting that all the wards as proposed had considered community, social, economic and educational links.

Councillor Carmel O’Boyle made an oral submission on behalf of her party; she conveyed a message from the area’s MP, Margaret Ritchie and answered some of my questions on Ms. Ritchie’s written representations; but also delivered a personal statement as an SDLP councillor representing the
Newcastle DEA since 1997. She confirmed the SDLP was “broadly supportive” of the Commissioner’s provisional recommendations.

Specifically to this DEA, Councillor O’Boyle conceded the “clear logic” of The Mournes as proposed and significantly, supported the inclusion of the Newcastle wards of Tollymore, Donard and Murlough; as without these wards, “the very name ‘Mournes’ would be a nonsense.” She also referred to the South East Coast Masterplan and the common vision for the centres of Newcastle, Kilkeel and Warrenpoint and believed that there was symmetry between it and the ward groupings as proposed.\(^8\)

Although in her written representation Margaret Ritchie MP highlights the specific issue of coterminous boundaries within this DEA, she also refers to the proposed groupings, noting they cover the existing Mournes and Newcastle wards. She makes no contrary proposal in terms of alternative ward groupings.

Peter Fitzpatrick supplemented what his colleague Councillor O’Boyle said in respect of this electoral area and submitted that Newcastle and Kilkeel have a natural affinity with links by road, water, trade and tourism.

In brief compass, Sinn Féin, the SDLP and Councillor O’Boyle submit there should be no change (to the seven wards); Alliance and the UUP propose significant amendment (reducing to five wards.)

Conclusion

My conclusions in respect of this electoral area should be read concomitant with those for Slieve Croob DEA.

I have already concluded in respect of the latter that the Commissioner grouped those wards in a manner consistent with his intended approach of using physical features as natural DEA boundaries. I have reached a similar view in respect of these ward grouping. I do not agree that the Commissioner has been inconsistent in his approach, or that he has used the Mournes as the focus, \emph{per se} for the DEA itself. This is Alliance’s criticism of the proposed ward configuration. Given the proposed name for this DEA, it is perhaps understandable that such an inference has been made. But I do not believe the criticism is well founded. No one disputes the traditional “Kingdom of Mourne” wards are appropriately grouped together in this DEA but as an Area of Outstanding Natural Beauty (AONB) the area of the Mournes has become more than just the parameters of the “kingdom” from a tourism perspective; it is perceived to include Newcastle. During the inquiry I described Newcastle as the gateway to the Mournes; no one disagreed.

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I remind myself, that under the existing framework The Mournes electoral area (for Down District Council), satisfies the minimum statutory criteria\(^9\) for ward numbers. However, with the amalgamation of the Kilkeel Central and Kilkeel South wards (by the 2012 Order) into a single ward this has reduced the traditional “kingdom” to four wards, and yet the legislation requires every district electoral area to have no fewer than five wards. Only Rostrevor, Hilltown or “the Newcastle wards” can make up the requisite ward numbers. I have already explained why Rostrevor should not be grouped in this DEA; a similar argument applies to the Hilltown ward. That leaves the wards of Tollymore, Donard and Murlough and no one has suggested these traditional Newcastle wards should be split from each other. In fact to do so would offend the objective of including “complete settlements” within a DEA. Therefore, given the ward architecture created by the 2012 Order and the principled objective not to split an existing settlement, I have concluded that the Commissioner has grouped these wards in a manner consistent with the range of factors he identifies in his report. No one took issue with this range of factors or the method of his approach. No one proposed alternative factors, whether generally or specific to this DEA. Furthermore, I am mindful that the Commissioner acknowledges that depending on local circumstances, some factors may be in conflict with one another;\(^{10}\) and there is no doubt that in this DEA certain factors are in conflict.

However, the desire to avoid the division of a settlement is particularly apposite in the case of Newcastle. All written and oral submissions sought to preserve the settlement of Newcastle, and in fact the Alliance Party argued strongly that Newcastle and its natural hinterland of Castlewellan and Dundrum should be the focus for one DEA. Councillor O’Boyle, remarked that the new Mournes DEA must contain the Newcastle wards, because without these wards “the very name ‘Mournes’ would be a nonsense.”

Mr Farr acknowledged at the outset of his presentation that the Commissioner’s task was a difficult one and the ward grouping for this and the Slieve Croob DEA demonstrate that difficulty. This is a balancing exercise between conflicting and competing factors and overarching legislative constraints. I have concluded that the Commissioner has applied the identified factors in a consistent manner in respect of this DEA. Whilst the argument for a Newcastle DEA including the Castlewellan and Dundrum wards has some traction, it is most attractive if considered in isolation. I cannot however, look at DEAs in isolation. Applying the ripple effect across the district, and taking account of the range of factors in the grouping of all 41 wards I am not persuaded to depart from the configuration as envisaged by the Commissioner.

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\(^9\) The current electoral area of The Mournes has comprised of the wards of Annalong, Binnian, Kilkeel Central, Kilkeel South and Lisnacree since 1992

\(^{10}\) See paragraph 3.7 of Provisional Recommendations report (page 6)
Recommendation

I recommend the seven wards as proposed by the Commissioner.

2.5 Slieve Croob

In its written representation the UUP submit that Ballynahinch town should be included in this DEA because of long established church, educational and farming links with Drumaness and Spa (Drumaness ward). I have already commented at 2.4 supra on the reasons why the UUP suggest the wards of Tollymore, Donard and Murlough should be transferred to this DEA.

The Alliance Party envisage a new Newcastle DEA which would form a natural geographical area bounded by the Mourne Mountains, Slieve Croob and Dundrum Bay, corresponding approximately to the current Down District electoral area. It would be based on the town of Newcastle and its hinterland, to include the wards of Castlereagh, Dundrum and Ballyward. It is submitted that the southern boundary of this new Newcastle DEA would correspond to the boundary of a number of public boards, viz, health, education and policing, and avoid the problems of elected representatives dealing with two separate boards within a single electoral area. To achieve this newly constructed DEA, Slieve Croob as proposed would be abolished and the residual wards of Ballyduigan and Drumaness would transfer to Downpatrick and Rowallane DEAs respectively.

Councillor O'Boyle confirmed in her oral presentation that the wards of Dundrum and Castlereagh should be in the Slieve Croob DEA and affirmed the ward groupings as proposed. Mr Fitzpatrick, in support of his colleague, submitted that to demolish the Slieve Croob electoral area would cause a "major haemorrhage" to the new council programme.

In her written submission, Margaret Ritchie MP identified a problem peculiar to this DEA and The Mournes DEA as proposed, namely that there would not be coterminous boundaries for policing divisions, Education and Library Boards (until the establishment of the Education and Skills Authority) and Health and Social Care Trusts. Acting in her stead, Councillor O'Boyle at the inquiry clarified that Ms. Ritchie was "not making a very strong point" about the coterminous issue but wanted the Commissioner to look at the issue before finalising the plans. Ms Ritchie did not propose any alternative configuration for the wards as proposed for this DEA.

Ryan Morgan endorsed the provisional recommendations as they pertain to this DEA citing the proposals as representative of the area and the communities in each ward.
Conclusion

What emerges from the written representations of the Alliance Party and UUP (and supplemented by Mr Farr and Councillor Clarke at the public inquiry) in respect of the Slieve Croob and The Mournes DEAs is the distinction between the traditional Mournes wards and Newcastle wards. Although couched in different terms, both parties submit that the Mournes area is naturally and geographically separate from Newcastle; and Newcastle is geographically and socially entwined with its hinterland of Dundrum and Castlewellan.

I have already observed that the statutory framework that applies to the task of grouping wards can act as a constraint and what works in one DEA must be seen in the context of the entire local government district. I also pause to observe (and repeat) that no one challenged the range of factors identified by the Commissioner to approach his task or suggested alternative factors that he ought to have considered to discharge his function of grouping wards.

The UUP representation is very clear in terms of identifying which wards should transfer (and for what reasons) to this DEA. It is unclear however, what is proposed for the remaining wards to complete this DEA and the ripple effect across the district. As it stands the UUP proposal specifically identifies five wards (Ballynahinch, Drumaness, Tollymore, Donard and Murlough) as part of this DEA; Ballydugan is transferred out, but no mention is made of Castlewellan, Ballyward or Dundrum. The submission does not address the ripple effect to locate / transfer the remaining wards to ensure it is Schedule 3 compliant¹¹. It is unclear whether the party envisages this as a completely new five ward DEA based on the four transferring in wards joining Drumaness; or whether a larger DEA is envisaged including some or all of three remaining wards. The DEA cannot contain all three remaining wards in any event as the ward limit would be exceeded. I cannot presume what the objector intended with this written representation and did not have an opportunity to clarify the issue at the inquiry as no one attended on behalf of the party.

The Alliance Party, Mr Farr and Councillor Clarke were unashamedly Newcastle centric in their oral and written presentations asserting that the new Newcastle DEA they propose forms a natural geographical area bounded by the mountains and Dundrum Bay. On this analysis, the configuration proposed creates geographic compactness and focuses on the Newcastle area and its hinterland. To reinforce the argument, they call in aid the existing electoral area framework, that this new Newcastle DEA “corresponds approximately to the previous Down DEA,” and the Commissioner’s observations in his report, that it would be unreasonable to ignore this framework altogether.¹²

¹¹ Schedule 3 to the District Electoral Areas Commissioner (NI) Order 1984 prescribes, inter alia

“Each electoral area shall consist of not less than five, and not more than, seven wards.”

¹² See paragraph 3.8 of Provisional Recommendations report.
However the existing electoral framework has been substantially changed by legislation and the Commissioner does observe that “a replication of, or minimum change to” the existing electoral area architecture is not possible. In this district, nine electoral areas have been reduced to seven; and 53 wards reduced to 41. No objector argued for a reduction in the number of DEAs for this district; and, regardless, the number of wards to be grouped into those electoral areas is prescribed. Change is inevitable. There was universal agreement not to divide the Newcastle wards from each other. This block of three wards must be grouped in either The Mournes or Slieve Croob DEA. I have already indicated at 2.4 supra, that I agree with the Commissioner’s proposal to group the Newcastle wards in The Mournes DEA. This preserves the traditional “Kingdom of Mourne” block (of four wards) and maintains the Newcastle settlement (of three wards) and, in my opinion, does so within the constraints of the legislation whilst maintaining a consistent approach to the “range of factors” argument. A similar logic pertains to Slieve Croob DEA.

In so doing I have considered carefully the passionate argument articulated by Mr Farr and Councillor Clarke who sought to preserve Newcastle as a “natural geographical unit.” I considered whether it followed that the Castlewellan and Dundrum wards were required to create this natural geographical unit. Or to put the converse, does a DEA that divides Newcastle from its perceived natural hinterland lack geographical compactness? In this instance I have concluded that it does not. I have decided that the five wards proposed for this DEA have their own geographical compactness with Dundrum Bay and Slieve Croob; the latter having its own conservation designation AONB. Councillor Clarke argued that applying “logic, commonsense and maintaining an electorate population” should favour the preservation of the existing Newcastle DEA based upon the town and its hinterland construct. I have concluded that the topography of this DEA, the abundance of physical features to use as readily identifiable boundaries and the creation of geographically compact DEAs has been undertaken with consistency by the Commissioner in this district and in regards to these two neighbouring DEAs.

I wish to make an observation about the written representation submitted by Margaret Ritchie MP and supplemented by the oral presentation of her colleague, Councillor O’Boyle. Ms Ritchie’s first issue related to the reduction of wards in Warrenpoint. This matter is beyond my remit and I make no further comment.

The second argument speaks to coterminous boundaries and whether there were any plans during the review of DEAs for the realignment of the boundaries of a range of functions. This is outside the remit of the Commissioner whose role is restricted to making recommendations for the establishment of DEAs in accordance with the District Electoral Areas Commissioner (NI) Order 1984. I make no further comment.

**Recommendation**

I recommend no change to the five wards as proposed for this DEA.
2.6 **Downpatrick**

The UUP envisage a five ward Downpatrick DEA with Ballydugan (from the proposed Slieve Croob) replacing Quoile which should be returned to Rowallane DEA. It is asserted that school and church links connect Ballydugan to Downpatrick to make its inclusion in this electoral area more suitable, whilst a similar community nexus applies to justify the straight switch with Quoile returning to Rowallane.

In terms of the Alliance Party, it proposes that the inclusion of Ballydugan is logical in order to complete Downpatrick and its Lecale hinterland. The inner Dundrum Bay acts as a natural boundary for this DEA. Unlike the UUP, Alliance retains Quoile and cause this to become a six ward electoral area.

Ryan Morgan makes no alteration to the DEA as proposed. In terms of the SDLP, neither Councillor O’Boyle nor Mr Fitzpatrick spoke directly about the Downpatrick area. However, again as I have already recorded, at the outset to her oral presentation the councillor confirmed her party was “broadly content” with the provisional recommendations.

**Conclusion**

I have already concluded that the Ballydugan ward fits the profile of the Slieve Croob DEA which has created a geographically compact DEA using the physical features of Dundrum Bay and the Dromara Hills. Absent the Ballydugan ward, the Alliance Party are in agreement that the five wards as proposed represent Downpatrick and its Lecale hinterland. There is a geographical compactness in what is proposed between Strangford Lough and Dundrum Inner Bay. The proposed grouping includes the complete Downpatrick settlement at its core and I do not believe that the settlement of Downpatrick is undermined by omitting the Ballydugan ward. However, to remove the Quoile ward would, in my opinion, detract from that compactness and I am not persuaded by the submission made by the UUP in respect of community links between Quoile and Rowallane DEA nor was I presented with evidence to support this argument.

**Recommendation**

I recommend no change to the five wards proposed for this DEA.

2.7 **Rowallane**

As with the previous DEA, the Ulster Unionists suggest that one ward should be replaced to maintain a five ward electoral area. In this instance, Ballynahinch has already been suggested for Slieve Croob, and would be replaced by Quoile (from Downpatrick.) The party suggests that Annacloy,
Inch and Crossgar share a single identity through church, schools and community groups and Quoile fits with that shared identity for this area.

The Alliance Party representation increases the DEA to six, with the addition of Drumaness (from Slieve Croob.) Ballynahinch and the villages of Saintfield, Crossgar and Killyleagh form part of a Belfast commuter belt and the association between Ballynahinch and Drumaness make this an appropriate ward to include.

Ryan Morgan disagreed with the addition of the Drumaness ward concluding it should remain within Slieve Croob as proposed.

The SDLP did not speak about this DEA specifically but the general approval for the provisional recommendations has already been noted.

**Conclusion**

For the reasons outlined already in respect of the other DEAs I have not been persuaded that the suggestions of the objectors should displace the configurations envisaged and proposed by the Commissioner. All of the wards, save the Ballynahinch ward, are a read across from the existing Rowallane electoral area. The amalgamation of the Crossgar and Killyleagh wards to form a single ward of the same name requires the inclusion of at least one additional ward to be Schedule 3 compliant. Alliance agree that Ballynahinch is a natural fit and I concur. I do not, as the UUP suggest, consider Ballynahinch fits in with the geographical compactness which the proposed Slieve Croob DEA otherwise provides.

**Recommendation**

I recommend no change to the proposals for this DEA.
3. DEA Names

3.1 Slieve Gullion

No written representation or oral submission objected to this proposed name.

Conclusion

In his report the Commissioner acknowledged that he often used existing DEA names with which people are familiar. This is an existing name and equally has a resonance with the locality concerned.

Recommendation

I recommend no change.

3.2 Newry

I make the same observations as above.

Conclusion

This is a similar name to the existing DEA. It would not be appropriate to describe this DEA by reference to its town or city status. The simplicity of the proposed name provides sufficient recognition to describe what characterises this DEA.

Recommendation

I recommend no change.

3.3 Crotlieve

I make the same observations as above.

Conclusion

I repeat the commentary from 3.1 above.
Recommendation

I recommend no change.

3.4 The Mournes

The written representations from the Alliance Party suggested this DEA should be renamed “Mourne.”

In his oral presentation Berkley Farr was in favour of “Mourne”, “Kingdom of Mourne” or “The Mournes” and was confident that which ever name, people would know that the area spoken of was “based around Kilkeel including the mountains, up to the highest ridges of the mountains.” In any event, he was content to leave the decision to the Commissioner.

Councillor Clarke took a similar position to his colleague and observed that the Commissioner would make the decision but, from his perspective, “Mourne” was his preferred choice.

No other speaker or objector took any issue with the name as proposed.

Conclusion

Both Mr Farr and Councillor Clarke seemed resigned to the fact that the Commissioner would make the final decision on the DEA name. Whilst this is correct, it does appear that both speakers have, inadvertently overlooked the purpose of the public inquiry and my role as Assistant Commissioner. The public inquiry was held to examine the objections raised during the consultation period, and to enable me, as Assistant Commissioner to listen to and consider the evidence put forward and then report my findings to the Commissioner. As I stressed in my opening remarks when opening the public inquiry, I was not there to defend the Commissioner’s recommendations. So the suggestions advanced by Mr Farr and Councillor Clarke have equal weight in terms of my deliberations, as do the name(s) proposed by the Commissioner.

However, when the name “Mourne” or “Kingdom of Mourne” was suggested it was in the context of the ward groupings envisaged by Alliance, Mr Farr and Councillor Clarke. I have explained my conclusions in the preceding section based on my consideration of all the written submissions and oral presentations; and I have recommended no change to the Commissioner’s proposals for the reasons given. I have recommended no change to this DEA which includes the Newcastle wards. On that basis alone, neither “Mourne” nor “Kingdom of Mourne” is an appropriate name when the entire ward grouping is considered.
Recommendation

I recommend no change.

3.5 Slieve Croob

The only objector to this name was in fact the Alliance Party who advocated this DEA be abolished and replaced with the new Newcastle DEA.

Conclusion

Slieve Croob is a new DEA consisting of one ward from the existing Banbridge District Council area and four wards from the existing Down District Council. The difference between the old and the new is significant and according to the Commissioner’s criteria\(^\text{13}\), he has proposed a name which has a resonance with the locality concerned by reference to place names or geographical features. Slieve Croob is both a place name and a geographical feature.

Slieve Croob is the tallest of a group of peaks which lie north of the Mourne Mountains. It has been designated an AONB and is the source of the River Lagan. It most certainly has a resonance with the locality and highlights the significance of yet another AONB within this district.

I have indicated that I am not persuaded to abolish this DEA and the only alternative name proposed during the consultation/public inquiry was “Newcastle”. Given the configuration proposed by the Commissioner, Newcastle as a name is not appropriate for this DEA.

Recommendation

I recommend no change.

3.6 Downpatrick

I make the same observations as at 3.1 above.

Conclusions

I repeat the commentary as at 3.1 above.

\(^{13}\) See paragraph 3.9 of Provisional Recommendations report
Recommendation
I recommend no change.

3.7 Rowallane
I make the same observations as at 3.1 above.

Conclusions
I repeat the commentary as at 3.1 above.

Recommendation
I recommend no change.
4. **Summary of Recommendations**

4.1 I make no change to the ward groupings or name as proposed for the Slieve Gullion DEA.

4.2 I make no change to the ward groupings or name as proposed for the Newry DEA.

4.3 I make no change to the ward groupings or name as proposed for the Crotlieve DEA.

4.4 I make no change to the ward groupings or name as proposed for The Mournes DEA.

4.5 I make no change to the ward groupings or name as proposed for the Slieve Croob DEA.

4.6 I make no change to the ward groupings or name as proposed for the Downpatrick DEA.

4.7 I make no change to the ward groupings or name as proposed for the Rowallane DEA.
5. **General Issues**

No objections were raised to the range of factors established by the Commissioner and set out in his report which informed his approach to the grouping of wards as DEAs.

No alternative factors were submitted either in the written representations or during the public inquiry. I have based my recommendations on the same range of factors that the Commissioner established as no evidence was presented to me to suggest I should depart from those identified factors.

Some respondents did raise the issue of ward boundaries, notwithstanding that this was specifically addressed in my opening remarks as out-with the remit of this inquiry. Others raised the impact of political representation on certain DEA configurations. Again this is beyond the remit of the inquiry.

A number of submissions in respect of alternative DEA configurations to those proposed by the Commissioner spoke of the natural hinterlands of various settlements. Although “natural hinterland” is not specifically mentioned as one of the factors within the range of factors identified by the Commissioners in paragraphs 3.2 to 3.7 of his report, I did include submissions involving natural hinterland when considering the relevance and/or applicability of “geographically compact” DEAs.
6. Conclusion

6.1 I should like to take this opportunity to express my sincere thanks to all those who participated in the public consultation and the public inquiry. I wish to acknowledge the assistance I derived from their carefully prepared oral and written submissions and their willingness to engage in the proceedings.

6.2 My thanks go also to each of the members of the DEAC secretariat who supported me in conducting the public hearing and in preparing this report.

Paul Dougan
Assistant District Electoral Areas Commissioner
4th October 2013.
Appendix A – Written Representations

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<th>Representation</th>
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<tr>
<td>Alliance Party</td>
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<td>Councillor Patrick Clarke (Alliance)</td>
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<td>Democratic Unionist Party (DUP)</td>
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<td>Michael Moriarty</td>
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<td>Ulster Unionist Party (UUP)</td>
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<td>Margaret Ritchie MP (SDLP)</td>
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## Appendix B – Oral Submissions

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<th>Submission</th>
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<tr>
<td>Councillor Patrick Clarke (Alliance)</td>
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<td>Berkley Farr (Alliance)</td>
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<td>Peter Fitzpatrick (SDLP)</td>
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<td>David Griffin (Alliance)</td>
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<td>Ryan Morgan (Sinn Féin)</td>
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<td>Councillor Carmel O’Boyle (SDLP)</td>
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